

AN ACT

To amend chapter 192, RSMo, by adding thereto three new sections relating to educational information on shaken baby syndrome.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
AS FOLLOWS:

Section A. Chapter 192, RSMo, is amended by adding thereto three new sections, to be known as sections 192.625, 192.626 and 1, to read as follows:

192.625. 1. Sections 192.625 and 192.626 shall be known and may be cited as the "Shaken Baby Syndrome Education Act of 2004".

2. As used in sections 192.625 and 192.626, the following terms mean:

(1) "Birth center", a facility not part of a hospital which provides maternity care to childbearing families not requiring hospitalization. A birth center provides a homelike atmosphere for maternity care, including prenatal, labor, delivery, and postpartum care related to medically complicated pregnancies;

(2) "Commitment statement", a form which may be voluntarily signed by a parent or parents acknowledging that the parent or parents have received, read, and have an understanding of the educational and instructional materials provided on shaken baby syndrome;

(3) "Department", the Missouri department of health and senior services;

(4) "Director", the director of the Missouri department of health and senior services;

(5) "Hospital", the same meaning as such term is defined in section 197.020, RSMo;

1 (6) "Infant", a child thirty days of age to twenty-four
2 months of age;

3 (7) "Newborn", a child up to and including twenty-nine days
4 of age;

5 (8) "Parent", a natural parent, stepparent, adoptive parent,
6 legal guardian, or legal custodian of an infant, newborn, or
7 child;

8 (9) "Program", the shaken baby syndrome education and
9 prevention program;

10 (10) "Shaken baby syndrome", the vigorous shaking of a
11 newborn, infant, or young child that may result in bleeding
12 inside the head and may cause one or more of the following
13 conditions:

14 (a) Irreversible brain damage;

15 (b) Blindness, retinal hemorrhage, or eye damage;

16 (c) Cerebral palsy;

17 (d) Hearing loss;

18 (e) Spinal cord injury, including paralysis;

19 (f) Seizures;

20 (g) Learning disabilities;

21 (h) Death;

22 (i) Central nervous system injury as evidenced by central
23 nervous system hemorrhaging;

24 (j) Closed head injury;

25 (k) Rib fracture; or

26 (l) Subdural hematoma.

27 192.626. 1. The department of health and senior services
28 shall establish a program to focus on awareness, education, and

1 prevention of shaken baby syndrome. The department shall design
2 and implement strategies for raising public awareness concerning
3 the causes and nature of shaken baby syndrome, including but not
4 limited to:

5 (1) Factors placing parents, guardians, and other caregivers
6 at risk for shaking a newborn or infant;

7 (2) The risks associated with shaking a newborn or infant;

8 (3) Suggestions for preventing shaken baby syndrome.

9 2. The program established in this section shall include the
10 distribution of readily understandable information and
11 educational and instructional materials regarding shaken baby
12 syndrome, explaining its medical effects on newborns, infants,
13 and young children and emphasizing preventive measures.

14 3. The department shall:

15 (1) Work to improve the capacity of community-based services
16 available to victims of shaken baby syndrome;

17 (2) Work with other state and local governmental agencies,
18 community and business leaders, community organizations, health
19 care and human services providers, and national organizations to
20 coordinate efforts and maximize state and private resources in
21 the areas of prevention of and education about shaken baby
22 syndrome;

23 (3) Identify and, when appropriate, replicate or use
24 successful shaken baby syndrome programs and procure related
25 materials and services from organizations with appropriate
26 experience and knowledge of shaken baby syndrome.

27 4. The department may promulgate rules to implement the
28 provisions of this section. No rule or portion of a rule

1 promulgated under the authority of this section shall become
2 effective unless it has been promulgated pursuant to chapter 536,
3 RSMo.

4 Section 1. Every hospital and any health care facility
5 licensed in this state that provides obstetrical services shall
6 require all new mothers to view a video on the dangers of shaking
7 a baby and shaken baby syndrome before their discharge from the
8 facility. The video may be shown in prenatal and childbirth
9 classes conducted prior to delivery. Such video shall be
10 approved by the department of health and senior services and
11 shall not exceed ten minutes in length.